

Amber M. Spataro, Esq. (N.J. Bar No. 036892008)
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LITTLER MENDELSON, P.C.

One Newark Center
1085 Raymond Blvd, 8th Floor
Newark, New Jersey 07102
973.848.4700

*Attorneys for Defendants Sunny Delight Beverages Co., and
ManpowerGroup US, Inc.*

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

KEVIN DODSON,

Plaintiff,

vs.

SUNNY DELIGHT BEVERAGES CO., and
MANPOWER RECRUITER.

Defendant(s)

Civil Action No. 1:23-cv-224

NOTICE OF REMOVAL

Electronically Filed

**TO: THE CLERK AND THE HONORABLE JUDGES
OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

Defendants ManpowerGroup US, Inc. (“Manpower”) (improperly pleaded in the Complaint as “Manpower Recruiter”), and Sunny Delight Beverages Co. (“Sunny Delight”) (collectively “Defendants”), hereby file this Notice of Removal of the above-captioned action to the United States District Court for the District of New Jersey, from the New Jersey Superior Court, Law Division, Middlesex County, where the action is now pending, as provided by Title 28, United States Code, Chapter 89 and states:

STATE COURT ACTION

1. Plaintiff Kevin Dodson (“Plaintiff”) commenced this action on June 8, 2022, by filing a Complaint in the Superior Court of New Jersey, Middlesex County, captioned *Kevin Dodson v. Sunny Delight Beverages Co. and Manpower Recruiter*, bearing Docket No: MID-L-

2914-22 (the “State Court Action”). The State Court Action is now pending in that court.

2. Sunny Delight was served with a copy of Plaintiff’s Complaint on December 19, 2022. There was no prior service of process.

3. Manpower has not been served.

4. Nevertheless, Manpower consents to removal of this action. (*See Carrillo Decl.*, ¶ 5).

5. Collectively attached hereto as **Exhibit A** is a copy of all process, pleadings and orders served upon Defendants in the State Court Action, pursuant to 28 U.S.C. § 1446(a).

TIMELINESS OF REMOVAL

6. Defendants filed the instant Notice of Removal within thirty (30) days of Plaintiff’s Service of his Complaint on Sunny Delight, as is required by 28 U.S.C. § 1446(b).

7. This Notice of Removal is also filed within one year of the commencement of the State Court Action and therefore is timely under 28 U.S.C. § 1446(c)(1).

GROUND FOR REMOVAL

8. The State Court Action is between citizens of different states and is a civil action over which the district courts of the United States have original jurisdiction by virtue of diversity jurisdiction granted by 28 U.S.C. § 1332.

8. Specifically, Plaintiff is an individual and in his Complaint, he alleges that he is a resident of the State of New Jersey. Therefore, Plaintiff is a citizen of the State of New Jersey. (*See Exhibit A*, Complaint).

9. For diversity jurisdiction purposes, corporations such as Defendants are deemed citizens of the State they are incorporated in, and the State where they have their principal place of business. *See* 28 U.S.C. § 1332(c)(1). As clarified by the United States Supreme Court in *Hertz*

Corp. v. Friend, “the phrase ‘principal place of business’ [in Section 1332(c)(1)] refers to the place where the corporation’s high-level officers direct, control, and coordinate the corporation’s activities. Lower federal courts have often metaphorically called the place the corporation’s ‘nerve center.’ We believe that the ‘nerve center’ will typically be found at a corporation’s headquarters.” 559 U.S. 77, 80-81 (2010) (internal citations omitted).

10. Defendant Manpower is and was at the time Plaintiff filed the State Court Action a Wisconsin corporation with its principal place of business in the State of Wisconsin. (*See Carrillo Decl.*, ¶ 3, Ex. B). Defendant Manpower is therefore a citizen Wisconsin.

11. Defendant Sunny Delight is and was at the time Plaintiff filed the State Court Action a Florida corporation with its principal place of business in the State of Ohio. Defendant Sunny Delight is therefore a citizen of Florida and Ohio. (*See Carrillo Decl.*, ¶ 4, Ex. C).

12. Complete diversity exists now and at the time the Complaint was filed because each Defendant is a citizen of a different state from Plaintiff.

13. The matter in controversy in the State Court Action exceeds the sum or value of \$75,000, as is required by 28 U.S.C. § 1332(a).¹

14. In general, where the Complaint demands a specific sum the allegation is deemed the amount in controversy. *Perez v. Luxury Retreats Processing Inc.*, No. CV1917490ESMAH, 2019 WL 7373022, at *2 (D.N.J. Dec. 5, 2019), report and recommendation adopted, No. CV1917490ESMAH, 2019 WL 7372935 (D.N.J. Dec. 31, 2019) (quoting *Dart Cherokee Basin Operating Co., LLC v. Owens*, 574 U.S. 81, 84 (2014)).

¹ Defendants do not concede Plaintiff’s allegations are true or that his claims have any merit. Defendants only provide this information to demonstrate that the amount in controversy, based on the demand and relief sought by Plaintiff, taken as a whole exceeds the \$75,000 jurisdictional requirement.

15. In his Complaint, Plaintiff specifically alleges that he seeks damages in the amount of \$900 Trillion against each Defendant. (See **Exhibit A**, Complaint).

16. As Plaintiff demands a specific sum exceeding the \$75,000.00 threshold, the amount in controversy is met.

VENUE

17. The Notice of Removal has been filed in the United States District Court for the District of New Jersey, the district court of the United States for the district and division within which the State Court Action is pending, as required by 28 U.S.C. §§ 1441(a) and 1446(a).

NOTICE TO PLAINTIFF

18. Upon filing this Notice of Removal, Defendants gave written notice thereof to Plaintiff, who is acting *pro se*, and filed copies of the Notice of Removal with the Clerk, Superior Court of New Jersey, Law Division, Middlesex County, pursuant to 28 U.S.C. §1446(d). (See, **Exhibit B**, Notice to Adverse Party).

19. By filing the Notice of Removal, Defendants do not waive any objections to service, jurisdiction, or venue, or any other defenses available to it at law, in equity or otherwise. Defendants intend no admission of fact or law by this Notice and expressly reserve all defenses and motions.

20. If the Court should be inclined to remand this action, Defendants request that the Court issue an Order to Show Cause why the case should not be remanded, providing Defendants with an opportunity to present briefing and argument prior to any possible review.

21. As required by 28 U.S.C. § 1446(a), this Notice of Removal is signed under Rule 11 of the Federal Rules of Civil Procedure.

RELIEF REQUESTED

22. Defendants requests that the United States District Court for the District of New Jersey assume jurisdiction over the above-captioned action and issue such further orders and processes as may be necessary to bring before it all parties necessary for the trial of this action.

WHEREFORE, Defendants respectfully request that the foregoing action be removed from the Superior Court of New Jersey, Law Division, Middlesex County, to the United States District Court for the District of New Jersey.

LITTLER MENDELSON, P.C.

Attorneys for Defendants

Sunny Delight Beverage Co., and

ManpowerGroup US, Inc.

/s/ Amber M. Spataro

Amber M. Spataro

Jonathan M. Carrillo

Dated: January 17, 2023

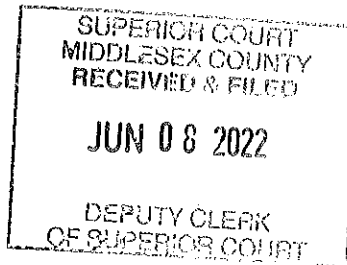
4879-3955-1817.1 / 096215-1000

EXHIBIT A

Form A

Plaintiff or Filing Attorney Information:

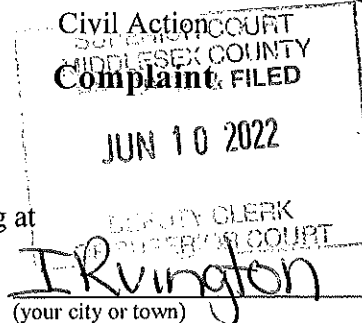
Name Kevin Dodson
NJ Attorney ID Number _____
Address 280 Park Place apt 324
Irvington NJ 07111
Telephone Number 862-754-9044



DATE 6/8/22
BCH # 1890
CHK/CAMS # 75764
FEE \$ 250.00
OVP \$
COPY/SANC \$
TOTAL \$ 250.00

Kevin Dodson,
Plaintiff,
Sunny Delight Beverages Co.
Manpower Recruiter
Defendant(s).

Superior Court of New Jersey
Division _____ County _____
Part _____
Docket No: _____
(to be filled in by the court)



Plaintiff, Kevin Dodson, residing at
(your name)
280 Park Place apt 324, City of Irvington NJ.
(your address)
County of Essex.
(your county)

State Of New Jersey, complaining of defendant, states as follows:

1. On May 2, 2022, Sunny Delight Beverages Co
manpower Recruiter, Defendant
(name of person being sued)

(Summarize what happened that resulted in your claim against the defendant. Use additional pages if necessary.)


I worked for Manpower Recruiter at Sunny
Delight Beverages Co on May 2 2022 to May 16th
2022 and didn't get paid until after manpower
was told by Sunny Delight Beverages Co that I get
paid the second week -> see attachment ->
10 Conn Road Dayton NJ 08810

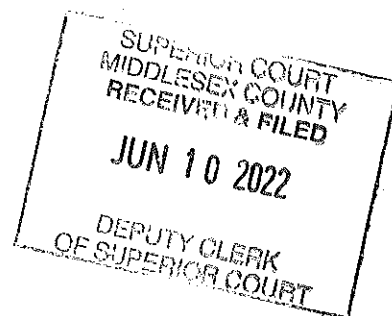
The defendant in this action resides at 4US-1 Suite A4 Edison NJ, 08817,
(defendant's address)

In the County of Dayton - Edison, State of New Jersey.
(name of county where defendant lives)

2. Plaintiff is entitled to relief from defendant under the above facts.

attachment → and did not get paid until
the third week of May on 20th of 2022
and the fourth week the rest of the work
that I worked for manpower Recruiter at
Sunny Delight Beverages Co. Im Kevin Dadsen
is suing Sunny Delight Beverages Co
for not paying manpower Recruiter to
pay me which Sunny Delight Beverages Co
and manpower Recruiter Broke the
New Jersey law of the DLSE. and
was working under unpaid wages.
Suing for \$900 Trillion each

X 



Form A

3. The harm that occurred as a result of defendant's acts include: (list each item of damage and injury)

1.		UPERIOR COURT DOLESEX COUNTY RECEIVED & FILED JUN 10 2022 CLERK UPERIOR COURT
2.		
3.		

Wherefore, plaintiff requests judgment against defendant for damages, together with attorney's fees, if applicable, costs of suit, and any other relief as the court may deem proper.

Dated: June 8th 2022 Signature: Kevin Jackson

CERTIFICATION OF NO OTHER ACTIONS

I certify that the dispute about which I am suing is not the subject of any other action pending in any other court or a pending arbitration proceeding to the best of my knowledge and belief. Also, to the best of my knowledge and belief no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this complaint, I know of no other parties that should be made a part of this lawsuit. In addition, I recognize my continuing obligation to file and serve on all parties and the court an amended certification if there is a change in the facts stated in this original certification.

Dated: June 8th 2022 Signature: Kevin Jackson

OPTIONAL: If you would like to have a judge decide your case, do not include the following paragraph in your complaint. If you would prefer to have a jury to decide your case, please sign your name after the following paragraph.

JURY DEMAND

The plaintiff demands trial by a jury on all of the triable issues of this complaint, pursuant to New Jersey Court Rules 1:8-2(b) and 4:35-1(a).

Dated: N/A Signature: N/A

JUN 10 2022

SUPERIOR COURT
MIDDLESEX COUNTY
RECEIVED & FILED



DEPUTY CLERK
New Jersey Judiciary
Civil Practice Division

JUN 08 2022

Civil Case Information Statement (CIS)

Use for initial Law Division Civil Part pleadings (not motions) under Rule 4:5-1.
Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the
black bar is not completed, or attorney's signature is not affixed.

For Use by Clerk's Office Only

Payment type <input type="checkbox"/> check <input type="checkbox"/> charge <input type="checkbox"/> cash	Charge/Check Number	Amount \$	Overpayment \$	Batch Number 12:46
Attorney/Pro Se Name <u>Kevin Dodson</u>		Telephone Number <u>862-7549644 ext.</u>		County of Venue
Firm Name (if applicable)			Docket Number (when available)	
Office Address - Street <u>280 Park Place apt 324</u>		City <u>Irvington</u>	State <u>NJ</u>	Zip <u>07111</u>
Document Type <u>Complaint</u>			Jury Demand <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Name of Party (e.g., John Doe, Plaintiff) <u>Kevin Dodson</u>		Caption <u>Kevin Dodson vs Sunny Delight Co</u>		
Case Type Number (See page 3 for listing) <u>599</u>				
Are sexual abuse claims alleged?			<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does this case involve claims related to COVID-19?			<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is this a professional malpractice case?			<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If "Yes," see N.J.S.A. 2A:53A-27 and applicable case law regarding your obligation to file an affidavit of merit.				
Related Cases Pending?			<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If "Yes," list docket numbers				
Do you anticipate adding any parties (arising out of same transaction or occurrence)?			<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Name of defendant's primary insurance company (if known)			<input type="checkbox"/> None	<input checked="" type="checkbox"/> Unknown

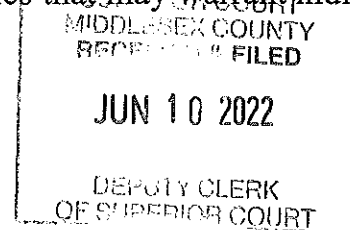
The Information Provided on This Form Cannot be Introduced into Evidence.


Case Characteristics for Purposes of Determining if Case is Appropriate for Mediation

Do parties have a current, past or recurrent relationship? ☒ Yes ☐ No
If "Yes," is that relationship:
☒ Employer/Employee ☐ Friend/Neighbor ☐ Familial ☐ Business
☐ Other (explain) _____

Does the statute governing this case provide for payment of fees by the losing party? ☐ Yes ☒ No

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition.



 Do you or your client need any disability accommodations? ☐ Yes ☒ No
If yes, please identify the requested accommodation:

Will an interpreter be needed? ☐ Yes ☒ No
If yes, for what language?

I certify that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

Attorney/Self-Represented Litigant Signature: _____

A handwritten signature in black ink, appearing to read "Kevin J. H.", written over a horizontal line.

MIDDLESEX VICINAGE CIVIL DIVISION
P O BOX 2633
56 PATERSON STREET
NEW BRUNSWICK NJ 08903-2633

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (732) 645-4300
COURT HOURS 8:30 AM - 4:30 PM

DATE: JUNE 15, 2022
RE: DODSON KEVIN VS SUNNY DELIGHT BEVERA GES CO-
DOCKET: MID L -002914 22

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 2.

DISCOVERY IS 300 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON BRUCE KAPLAN

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 002
AT: (732) 645-4300 EXT 88373.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

KEVIN DODSON
280 PARK PLACE APT 324
IRVINGTON NJ 07111

JUMSAN0

MIDDLESEX VICINAGE CIVIL DIVISION
P O BOX 2633
56 PATERSON STREET
NEW BRUNSWICK NJ 08903-2633

DISMISSAL NOTICE

TELEPHONE - (732) 645-4300 EXT. 88294, CHRISTINE IBRAHIM TEAM 002
COURT HOURS: 8:30 AM - 4:30 PM

DATE: OCTOBER 28, 2022
RE: DODSON KEVIN VS SUNNY DELIGHT BEVERA GES CO-
DOCKET: MID L -002914 22
PARTY: SUNNY DELIGHT BEVERA

PLEASE TAKE NOTICE THAT ON DECEMBER 27, 2022 (60 DAYS FROM DATE OF THIS NOTICE), THE COURT WILL DISMISS THE ABOVE PARTY OR PARTIES FOR LACK OF PROSECUTION WITHOUT PREJUDICE, PURSUANT TO RULE 1:13-7 OR RULE 4:43-2 UNLESS ACTION REQUIRED UNDER THE ABOVE RULES IS TAKEN.

HON BRUCE KAPLAN

JUDGE

KEVIN DODSON
280 PARK PLACE APT 324
IRVINGTON NJ 07111

DECEMBER 8, 2022

SHERIFF'S NUMBER: L 293808 Defendant Sequence 1 of 1 Officer: SHARED AREA
 Type of Service: SUMMONS AND COMPLAINT

I, MILDRED S. SCOTT, Sheriff of MIDDLESEX COUNTY, do hereby deputize

Jon Linde

(Print Officer's Name)

and appoint to be my deputy, to execute and return the writ to court as directed by law.

ATTORNEY	CHECK #	AMOUNT
KEVIN DODSON (PRO-SE) 120 SCOFIELD STREET APT 1L NEWARK, NJ 07106	R104354340112 Control: # 853659	\$ 28.00

COURT DATA INUNEZ
 Court of Issuance SUPERIOR COURT OF NEW JERSEY Return Date
 Docket MIDL00291422 State NJ County of Venue MIDDLESEX

CAPTION OF CASE

KEVIN DODSON
 VS SUNNY DELIGHT BER CO

DEFENDANT OR NAMED WITHIN TO BE SERVED

CORPORATION NAME SUNNY DELIGHT BER CO
 10 CORN ROAD
 DAYTON, NJ 08810

PAPERS SERVED

SUMMONS AND COMPLAINT and CASE INFORMATION STATEMENT

SERVICE DATA RECORDED
☒ Served Successfully ☐ Unable to Serve Date: 12-19-22 Time: 11:25 AM
 DEPUTY CLERK OF SUPERIOR COURT

REMARKS

Copy/Copies Served	<input type="checkbox"/> Personally	<input type="checkbox"/> On Officer, Director or Trustee	ATTEMPTS []
	<input type="checkbox"/> On Competent Household Member	<input checked="" type="checkbox"/> On Managing Agent	
	<input type="checkbox"/> Over The Age of 14 Years	<input type="checkbox"/> On Registered Agent	
	<input type="checkbox"/> Personally Served on Self and for Spouse	<input type="checkbox"/> On Other	

PERSON SERVED: *Alexander Protillo*

☐ Defendant is in the Military ☒ Defendant Not in the Military

Sex : ☒ Male ☐ Female
 Skin : ☒ White ☐ Black ☐ Yellow ☐ Brown ☐ Red
 Height: ☐ Under 5 Feet ☒ 5.0-5.6 Feet ☐ 5.7-6.0 Feet ☐ Over 6 Feet
 Weight: ☐ Under 100 lbs ☐ 100-150 lbs ☒ 151-200 lbs ☐ Over 200 lbs
 Hair : ☐ Black ☐ Brown ☐ Blond ☐ Gray ☐ Red ☐ White ☒ Balding
 Age : ☐ 14-20 ☐ 21-35 ☐ 36-50 ☒ 51-65 ☐ Over 65

[Signature]
 Signature
 Deputy Sheriff of MIDDLESEX COUNTY
 State of New Jersey

SUMMONS

Attorney(s) _____

Office Address _____

Town, State, Zip Code _____

Telephone Number _____

Attorney(s) for Plaintiff _____

Superior Court of New Jersey

Middlesex County

Division

Docket No: MID-L-002914-22

Kevin Jackson
120 S. 2nd St. Apt 114 Newark NJ 07102
Plaintiff(s)

CIVIL ACTION

vs.

Sunny Delight Beverages Co Dayton NJ 08810
MANPOWER Recruiter Edison NJ
Defendant(s)

SUMMONS

From The State of New Jersey To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at <http://www.njcourts.gov>.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at <http://www.njcourts.gov>.

Clerk of the Superior Court

DATED: 12-7-22

Name of Defendant to Be Served: Sunny Delight Beverages Co

Address of Defendant to Be Served: 10 Corn Rd Dayton NJ 08810

EXHIBIT B

Amber M. Spataro, Esq. (N.J. Bar No. 036892008)
Jonathan M. Carrillo, Esq. (N.J. Bar No. 032272012)

LITTLER MENDELSON, P.C.

One Newark Center
1085 Raymond Blvd, 8th Floor
Newark, New Jersey 07102
973.848.4700

*Attorneys for Defendants Sunny Delight Beverages Co., and
ManpowerGroup US, Inc.*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

KEVIN DODSON,

Plaintiff,

vs.

SUNNY DELIGHT BEVERAGES CO., and
MANPOWER RECRUITER.

Defendant(s)

Civil Action No. 1:23-cv-224

**NOTICE TO ADVERSE PARTY OF
FILING OF NOTICE OF REMOVAL**

**(Superior Court of New Jersey,
Docket No. MID-L-2914-22)**

Electronically Filed

**TO: Kevin Dodson, *Pro Se*
280 Park Place, Apartment 324
Irvington, NJ 07111**

PLEASE TAKE NOTICE that a Notice of Removal of the above-captioned action from the Superior Court of New Jersey, Law Division, Middlesex County to the United States District Court for the District of New Jersey was filed on January 18, 2023, in the United States District Court for the District of New Jersey. A copy of the petition is attached hereto.

Dated: January 17, 2023

LITTLER MENDELSON P.C.

/s/ Amber M. Spataro

Amber M. Spataro, Esq.

Jonathan M. Carrillo, Esq.

*Attorneys for Defendants Sunny Delight
Beverages Co., and*

ManpowerGroup US, Inc.